

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

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|----------------------------------|---|----------------------------|
| Elizabeth Rambo, |) | |
| |) | |
| Plaintiff, |) | C.A. No. 8:04-1531-HMH-BHH |
| |) | |
| vs. |) | OPINION & ORDER |
| |) | |
| Jo Anne B. Barnhart, |) | |
| Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |

This matter is before the court on a motion for attorney's fees and costs pursuant to 42 U.S.C. § 406(b). Counsel for Elizabeth Rambo ("Rambo") seeks attorney's fees and costs for services rendered in the above-captioned social security action in the amount of Two Thousand Eight Hundred Twenty-seven Dollars and Fifty Cents (\$2,827.50) (calculated at \$150.00 per hour times 17.75 hours, plus \$165.00 in costs). The Commissioner does not object to the request for attorney's fees and costs, and the court finds the total fee amount to be reasonable. Therefore, Rambo's counsel is entitled to fees and costs in the amount of \$2,827.50. The court notes that if Rambo's counsel was awarded fees under the Equal Access to Justice Act ("EAJA"), she must refund those fees to Rambo.¹ See Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002).

IT IS SO ORDERED.

s/ Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
January 6, 2006

¹In its response, the Government reminds Rambo's counsel of her obligation to return EAJA fees to Rambo. However, no motion for EAJA fees has been filed in the instant action.